

REMARKS

Reconsideration and withdrawal of the rejection of this application are respectfully requested.

By this Amendment, claims 1, 2, 5-7, 9, 11, 17, 20, 22, 25, 27-30, 32, 35-37, 46, 47, 61, 62, 63 and 78 have been amended to further define the invention. Claims 3, 4, 10, 12-16, 26, 31, 33-34, 38-45, 48-60, 64-77 and 79 have been cancelled without prejudice or disclaimer and claims 80-158 have been added to define certain additional embodiments of the invention. No new matter has been added.

Applicants enclose a check in the amount of \$4,360.00 for the 470 additional claims (with multiple dependencies) in excess of twenty. No additional fee is believed necessary for entry and consideration of this amendment. However, the Commissioner is hereby authorized to charge any additional fees for consideration of this Amendment and entry of the claims herewith, or credit any overpayment in such fees to Deposit Account No. 50-0297.

Applicants would like to take this opportunity to thank the Examiner for withdrawing the restriction requirement in this application.

Applicants would also like to thank the Examiner for the courtesies extended with the undersigned during a telephone

conference on August 12, 1998 and March 1, 1999 and for agreeing to interview the present application with the undersigned and the inventors in the coming weeks.

Claims 1-32, 42-49, 61-66, 78 and 79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-104 of copending U.S. Application Serial No. 08/470,089 to Wohlstadter ("Wohlstadter '089 application").

Claims 1-32, 42-49, 61-66, 78 and 79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-153 of copending U.S. Application Serial No. 08/470,874¹ to Wohlstadter ("Wohlstadter '874 application").

Claims 1-32, 42-49, 61-66, 78 and 79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 80 of copending U.S. Application Serial No. 08/471,050 to Wohlstadter ("Wohlstadter '050 application").

Each of the above-described rejections will be addressed collectively.

¹ In the Office Action, the rejection refers to U.S. Application Serial No. 08/470,484, which issued as U.S. Patent 5,578,181 entitled "Method for Treating Waste Water Containing Neutral Salts Comprising Monovalent Ions." The serial number appears to contain a typographical error as the cited application is unrelated to the present application. Therefore, Applicants have reviewed the copending applications and respectfully submit

In order to obviate the above-described rejections and to expedite allowance of the present application, Applicants will agree to submit a terminal disclaimer, if still appropriate, upon allowance of the claims without admitting obviousness over the cited copending applications. (see, Quad Environmental Technologies v. Union Sanitary District, 20 U.S.P.Q. 2d 1392, 1394-5 (Fed.Cir. 1991)).

Accordingly, Applicants respectfully urge that the obviousness-type double patenting rejection be withdrawn upon submission of the terminal disclaimer requested by the Examiner with respect to the cited copending applications.

Applicants would also like to bring to the Examiner's attention copending applications U.S. Serial No. 08/402,076 (particularly claims 70 and 71) and U.S. Serial No. 08/479,425. Applicants submit that a terminal disclaimer may also be required with respect to these copending applications.

Applicants note that an assignment was recorded in the present application on June 13, 1996 (Reel/Frame: 8026/0026). However, assignments have not been recorded in the above-identified copending applications. Accordingly, Applicants will

(footnote continued . . .)
that is it believed the correct serial number is 08/470,874.

submit to the U.S. Patent Office an assignment for recordation in the copending applications in the coming weeks.

Applicants submit that the instant application is in condition for allowance, the early notification of which is respectfully requested.

Applicants respectfully request that the Examiner acknowledge the Information Disclosure Statements submitted February 19, 1999 and May 27, 1998 and return an initialed copy of the forms PTO-1449 ("List of References Cited by Applicant") to Applicants' attorneys.

Additionally, if the Examiner believes that there are any issues still pending which present an impediment to allowance, it is respectfully requested that the undersigned be contacted by telephone to conduct a telephone interview.

Respectfully submitted,

WHITMAN BREED ABBOTT & MORGAN LLP
Attorneys for Applicants

By: 

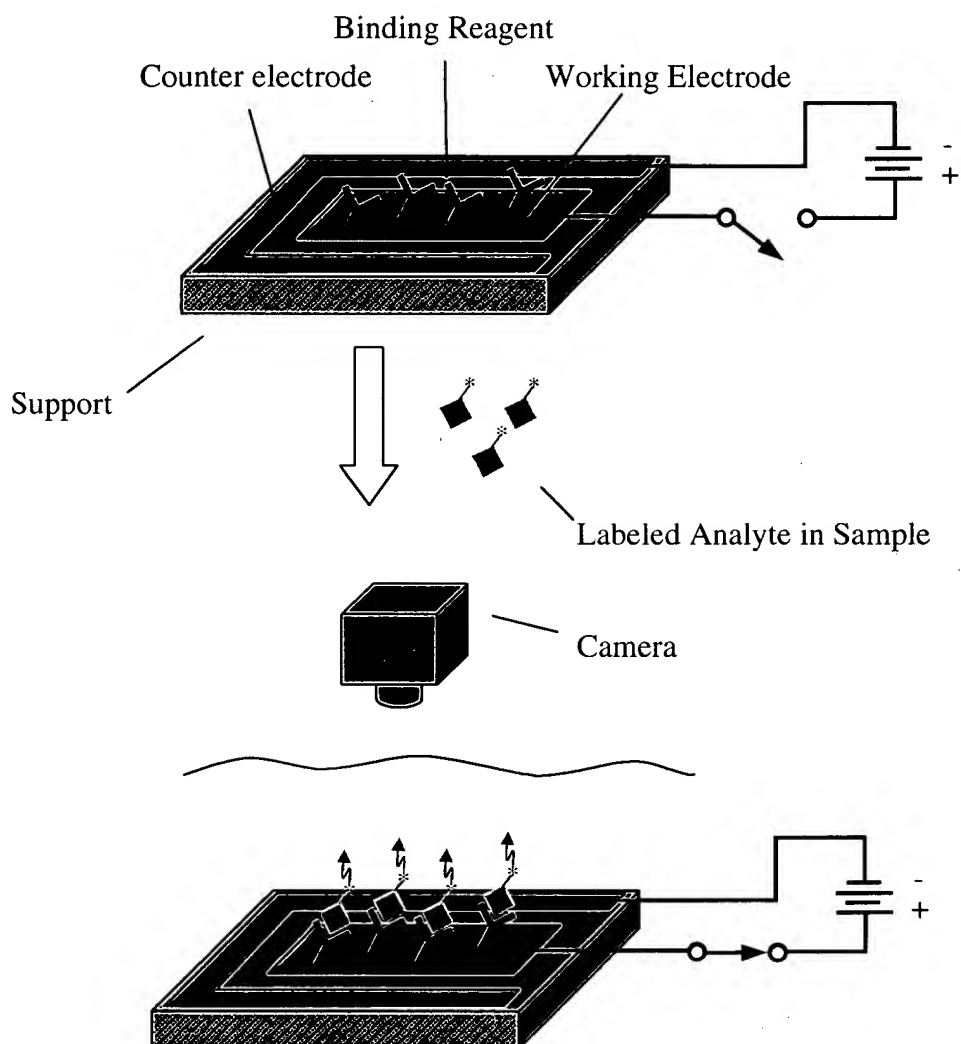
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RELATED APPLICATIONS FOR MULTI-ARRAY, MULTI-SPECIFIC ELECTROCHEMILUMINESCENCE TESTING

COUNTRY	APPLN. NO.	FILING DATE	STATUS	PRIORITY INFORMATION	EXAMINER
US <i>Achutamurthy</i>	08/402,076	3/10/95	Pending		Achutamurthy
US	08/402,277	03/10/95	Pending		Chin
US	08/472,021	06/06/95	Pending	DIV of 08/402,277 (Allowed)	Chin
US	08/479,425	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/470,089	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/470,874	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/471,050	06/06/95	Pending	DIV of 08/402,277	Chin
US <i>Abn</i>	08/472,029	06/06/95	Pending <i>Abn</i>	DIV of 08/402,076	Achutamurthy
US <i>Abn</i>	08/471,431	06/06/95	Pending <i>Abn</i>	DIV of 08/402,076	Achutamurthy
US <i>gln</i>	08/469,550	06/06/95	Pending	DIV of 08/402,076	Achutamurthy
US* <i>gln</i>	08/611,804	03/06/95	Pending	CIP of 08/402,076 and 08/402,277	Achutamurthy
US* <i>gln</i>	08/814,141	03/06/97	Pending	CIP of 08/402,076 and 08/402,277	Achutamurthy
US* <i>gln</i>	08/814,085	03/06/97	Pending	CIP of 08/402,076 and 08/402,277	Achutamurthy
US <i>gln</i>	08/715,163	09/17/96	Pending	CIP of 08/611,804, which is a CIP of 08/402,076 and 08/402,277	Achutamurthy
US <i>gln</i>	08/932,110	09/17/97	Pending	CIP of 08/715,163, which is a CIP of 08/611,804, which is a CIP of 08/402,076 and 08/402,277	Not assigned

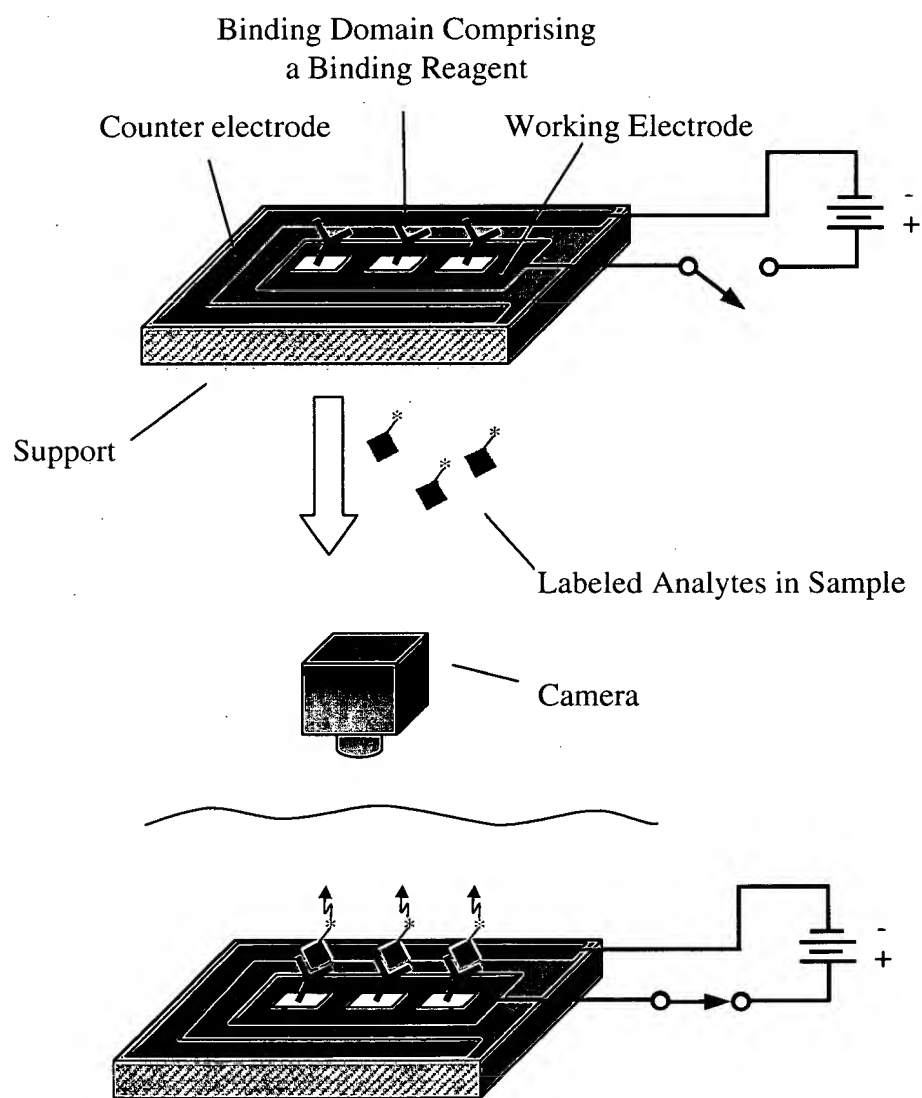
* Discussed during March 25, 1999 Interview

Binding Reagent on a Electrode



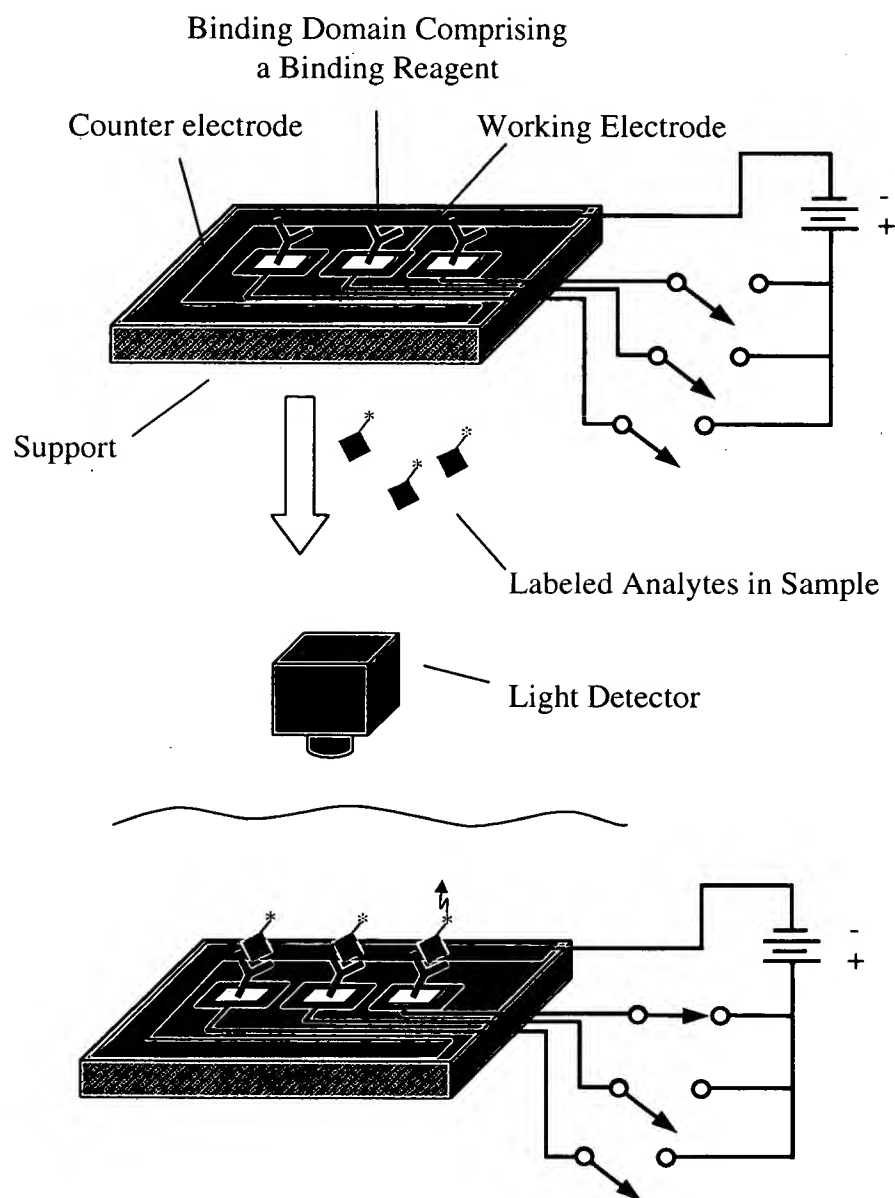
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Plurality of Binding Domains on an Electrode



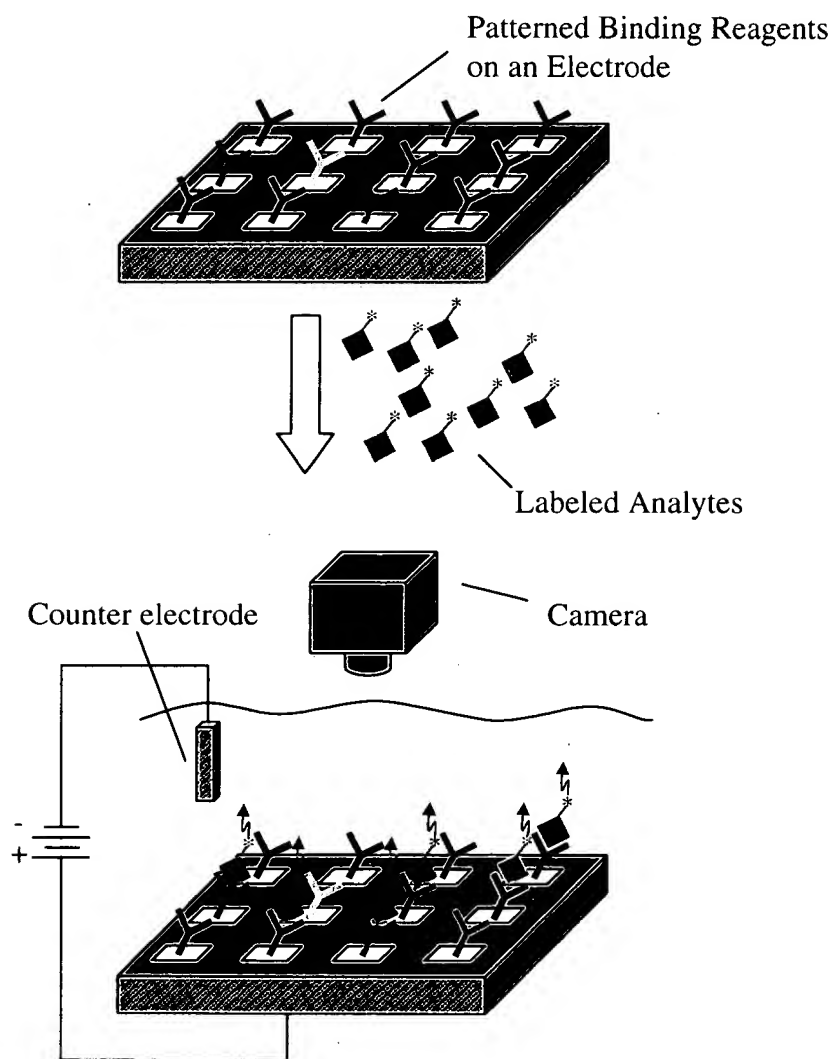
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Plurality of Binding Domains on a Plurality of Electrodes



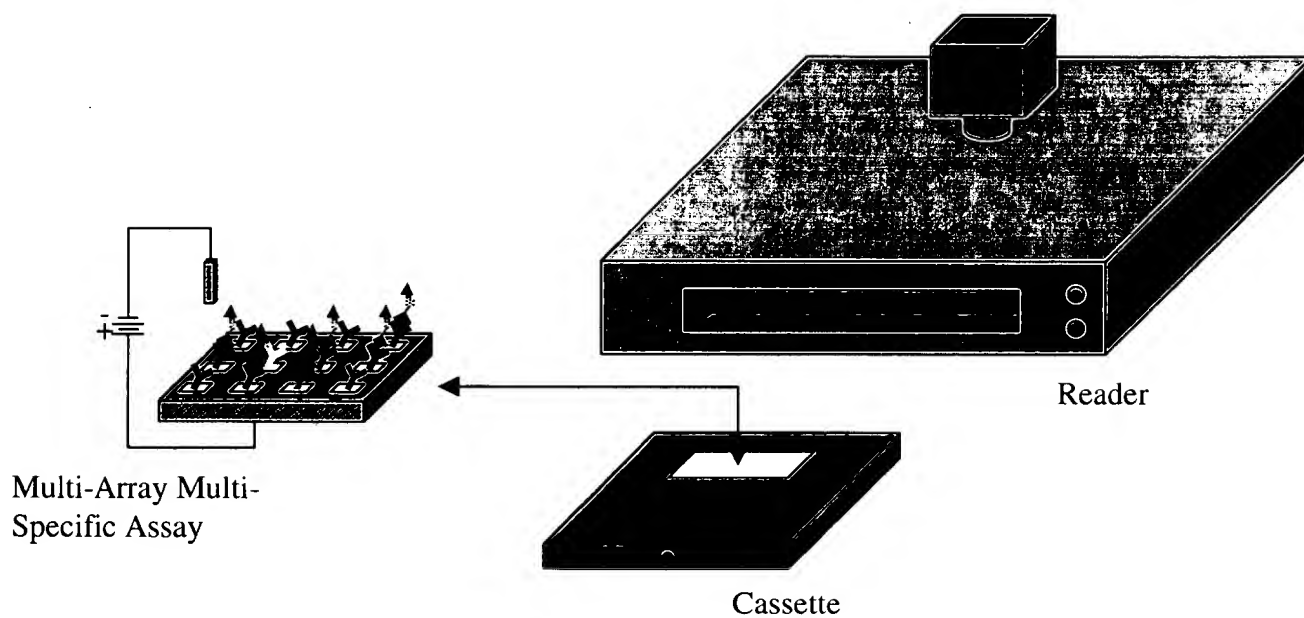
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Multi-Array Multi-Specific ECL Testing



B

Apparatus and Cassette for Multi-Array Multi-Specific ECL Testing



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